IN THE HIGH COURT OF JUDICATURE AT PATNA
FA No.473 of 1989
STATE THRU.COLLE.ROHTAS
Versus
SAGAR SINGH
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19 21.8.2008 **I.A. No. 5360 of 2006:**

This application was filed on 21.11.2006 a copy of which was served on the State counsel on 30.11.2006 informing the State that the sole respondent has died and his heirs have been described at paragraph no.2 of this application.

I.A. No. 1766 of 2007:

This application has been filed on 21.3.2007 for passing an order of abatement as steps have not been taken for substitution of heirs of the sole respondent. A copy of this application was served on J.C. to AAG VII on 20.3.2007.

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Learned A.A.G. VII appearing on behalf of the State submits that he had informed the Collector, Rohtas regarding the fact that steps have to be taken for filing a substitution petition or else the appeal would be dismissed.

Despite the fact that the A.A.G. VII sent letters and Fax messages to the Collector, Rohtas, no steps have been taken to file a substitution petition.

The sole respondent died on 4.2.2003 and without necessary substitution being made, the first appeal has abated.

In the result the first appeal itself has become incompetent and it is dismissed as such.

haque **(Sheema Ali Khan, J.)**